

Marc V. Kalagian
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Attorneys for Plaintiff
VERNON R. BARNES

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VERNON R. BARNES)	Case No.: 2:15-cv-01823-LDG-PAL
)	
Plaintiff,)	PLAINTIFF'S REQUEST TO
v.)	EXTEND TIME TO FILE AMENDED
)	COMPLAINT
CAROLYN W. COLVIN, Acting)	
Commissioner of Social Security.)	(SECOND REQUEST)
)	
Defendant.)	
)	
)	

Plaintiff Vernon R. Barnes by and through the undersigned attorney hereby requests to extend the time by 30 days from December 9, 2015 to January 8, 2016 for Plaintiff to file his amended complaint.. This is Plaintiff's second request for an extension.

1 This request is made at the request of Plaintiff's counsel to allow him the
2 opportunity to recontact the Appeals Council regarding his September 11, 2015
3 request for extension of time to file his complaint. *See*, Complaint ¶ 8, Exhibit 1.
4 The Appeals Council has confirmed receipt of the September 11, 2015 request, but
5 still has not acted on the request. Attached hereto as Exhibit 1 is the November 9,
6 2015 follow up letter to the Appeals Council. On December 9, 2015, the
7 undersigned has sent a second follow up to the Appeals Council. Exhibit 2.

8 DATE: December 9, 2015

Respectfully submitted,

9 ROHLFING & KALAGIAN, LLP

10 /s/ *Marc V. Kalagian*

11 BY: _____

Marc V. Kalagian

12 Attorney for plaintiff Vernon R. Barnes

13
14
15
16 IT IS SO ORDERED: _____

17 UNITED STATES MAGISTRATE JUDGE

18 DATED: December 14, 2015
19
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26

* * * Communication Result Report (Nov. 9. 2015 3:36PM) * * *

1)
2)

Date/Time: Nov. 9. 2015 3:31PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
1986 Memory TX	17036057441 17036058691	P. 5	OK OK	

Reason for error

E. 1) Hang up or line fail

E. 3) No answer

E. 5) Exceeded max. E-mail size

E. 2) Busy

E. 4) No facsimile connection

E. 6) Destination does not support IP-Fax

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FACSIMILE TRANSMISSION SHEET

TO:	FROM:
Appeals Council, Branch CCPRB1	Marc V. Kalagian
COMPANY:	DATE:
	November 9, 2015
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703)605-7441	5
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
RE:	YOUR REFERENCE NUMBER:
Vernon R. Barnes	315-78-1224

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see attached follow up to our September 11, 2015 request for extension to file a civil action.

cc: Teresa Jensen via fax to (703)605-8691

LAWRENCE D. ROHLFING
MARC V. KALAGIAN

DENISE BOURGEOIS HALEY
YOUNG CHO
BRIAN C. SHAPIRO, M.A.
LAURA KRANK
STEVEN G. ROSALES
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RONALD L. SIEVERS, of counsel
BARBARA GEDANKE, retired

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November 9, 2015

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PLEASE RESPOND TO
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Appeals Council, Branch CCPRB1
Office of Disability Adjudication and Review
5107 Leesburg Pike, Suite C-225
Falls Church, VA 22041-3255

SENT BY FACSIMILE TRANSMISSION TO (703)605-7441

Re: Vernon R. Barnes
SSN: 315-78-1224

Dear Appeals Council:

This letter will serve to follow up on our September 11, 2015 request for extension to file a civil action. The Congressional Affairs office has confirmed that you have received this request. I enclose our request for extension and facsimile transmission receipt for your easy reference. Request is made that you grant the extension request.

Once our office received the completed declarations and waiver forms from Ms. Nunez, I filed the above civil action on September 22, 2015. As part of that complaint, I attached my September 11, 2015 extension request as an exhibit. The court has now dismissed the complaint with leave to amend. Specifically, the court has ordered that I attach an order from the Appeals Council granting the extension request and the date that the Appeals Council set as the extended deadline. I have asked the court for additional time to **December 9, 2015** to respond.

Thank you for your attention and cooperation. I remain available to the Appeals Council for written or telephonic assistance on this very important case.

Very truly yours,
Marc V. Kalagian
Marc V. Kalagian
Attorney at Law

MVK:MVK

Enclosures

cc: Vernon R. Barnes

P. 1

* * * Communication Result Report (Sep. 11. 2015 3:44PM) * * *

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21

Date/Time: Sep. 11. 2015 3:38PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
9128 LAN-Fax Transmission	17036057131	P. 2	OK	

Reason for error:

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| 1) Hang up or line fail | E. 2) Busy |
| 3) No answer | E. 4) No facsimile connection |
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FACSIMILE TRANSMISSION ENTRY	
TO: Appeals Council, Branch 2	FROM: Mona V. Kalagian
COMPANY:	DATE: September 11, 2015
FAX NUMBER: (703)605-7131	TOTAL NO. OF PAGES INCLUDING COVER: Pages 2
PHONE NUMBER:	RECIPIENT'S REFERENCE NUMBER:
BY: Vernon R. Barnes	WORK NUMBER/EXTENSION: 315-78-1224
<input checked="" type="checkbox"/> URGENT <input type="checkbox"/> FOR REVIEW <input type="checkbox"/> PLEASE COMMENT <input type="checkbox"/> PLEASE REPLY <input type="checkbox"/> PLEASE RECITE	
REMARKS:	

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September 11, 2015

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LAURA KRANK
STEVEN G. ROSALES
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MONICA PERALES

RONALD L. SIEVERS, of counsel
BARBARA GEDANKE, retired

Appeals Council, Branch 2
Office of Disability Adjudication and Review
5107 Leesburg Pike, Suite 1305
Falls Church, VA 22041-3255

SENT BY FACSIMILE TRANSMISSION TO (703)605-7131

Re: Vernon R. Barnes
SSN: 315-78-1224

Dear Appeals Council, Branch 2:

This letter serves to request a 30 day extension of the time in which to commence a civil action in the United States District Court. Vernon R. Barnes needs an extension she has just contact me for assistance. I need to secure papers and declarations to waive fees for my indigent client and I need to secure and review the papers so that I can make an informed filing that complies with the reasonable review required under F.R.Civ.P. Rule 11.

Please grant me an additional time to review and prepare the appropriate documentation. Counsel needs additional time to determine whether an appeal to federal Court is appropriate. Please note communication at this time with Mr. Barnes is through the United States Postal Service. Please grant an additional 30 days to submit a civil action with the United States District Court.

Very truly yours,
Marc V. Kalagian
Marc V. Kalagian
Attorney at Law

MVK:EP

cc: Vernon R. Barnes

* * * Communication Result Report (Dec. 9. 2015 1:25PM) * * *

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2)

Date/Time: Dec. 9. 2015 1:21PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
2577	Memory TX	17036057441 17036058691	P. 8	OK OK	

Reason for error

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 E. 4) No facsimile connection
 E. 6) Destination does not support IP-Fax

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FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Appeals Council, Branch CCPRB1	Marc V. Kalagian
COMPANY:	DATE:
	December 9, 2015
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703)605-7441	Pages 8
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:
Vernon R. Barnes	315-78-1224
<input checked="" type="checkbox"/> URGENT <input type="checkbox"/> FOR REVIEW <input type="checkbox"/> PLEASE COMMENT <input type="checkbox"/> PLEASE REPLY <input type="checkbox"/> PLEASE RECYCLE	

NOTES/COMMENTS:

Please see attached follow up to our September 11, 2015 and November 9, 2015 letters regarding our request for an extension of time to file a civil action.

Copy to Teresa Jensen by fax to (703)605-8691.

ROHLFING & KALAGIAN, LLP

LAWRENCE D. ROHLFING
MARC V. KALAGIAN

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December 9, 2015

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Appeals Council, Branch CCPRB1
Office of Disability Adjudication and Review
5107 Leesburg Pike, Suite C-225
Falls Church, VA 22041-3255

SENT BY FACSIMILE TRANSMISSION TO (703)605-7441

Re: Vernon R. Barnes
SSN: 315-78-1224

Dear Appeals Council, Branch CCPRB1:

This letter serves to follow up on my November 9, 2015 letter regarding the above individual. That letter was a follow up to my September 11, 2015 letter requesting an extension of time to file a civil action. I enclose a copy of both of those letters for your easy reference.

A complaint was filed in this matter on September 22, 2015. The court dismissed the complaint with leave to amend. I have again asked the court for additional time to January 8, 2016 to respond. I anticipate that the court will not grant another extension beyond January 8, 2016. In light of the foregoing, request is made that you grant the request for extension of time.

Thank you for your attention and cooperation. I remain available to the Appeals Council for written or telephonic assistance on this very important case.

Very truly yours,
Marc V. Kalagian
Marc V. Kalagian
Attorney at Law

MVK:MVK

Enclosures

cc: Vernon R. Barnes

* * * Communication Result Report (Nov. 9. 2015 3:36PM) * * *

1)
2)

Date/Time: Nov. 9. 2015 3:31PM

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FACSIMILE TRANSMITTAL SHEET

TO: Appeals Council, Branch CCPRB1	FROM: Marc V. Kalagian
COMPANY:	DATE: November 9, 2015
FAX NUMBER: (703)605-7441	TOTAL NO. OF PAGES INCLUDING COVER: 5
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Verdon R. Barnes	YOUR REFERENCE NUMBER: 315-78-1224

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYLE

NOTES/COMMENTS:

Please see attached follow up to our September 11, 2015 request for extension to file a civil action.

cc: Teresa Jensen via fax to (703)605-8691

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November 9, 2015

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Office of Disability Adjudication and Review
5107 Leesburg Pike, Suite C-225
Falls Church, VA 22041-3255

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SSN: 315-78-1224

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Marc V. Kalagian
Attorney at Law

MVK:MVK

Enclosures

cc: Vernon R. Barnes

P. 1

* * * Communication Result Report (Sep. 11. 2015 3:44PM) * * *

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21

Date/Time: Sep. 11. 2015 3:38PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
9128	LAN-Fax Transmission	17036057131	P. 2	OK	

Reason for error

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E. 2) Busy
 E. 4) No facsimile connection
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FACSIMILE TRANSMISSION REPORT

TO: Appeals Council, Branch 2	FROM: Mario V. Kalagian
DATE: September 11, 2015	
FILE NUMBER: (703)605-7131	TOTAL NO. OF PAGES INCLUDING COVER: Pages 2
FROM: VANDER R. BARBER	REPORT'S REFERENCE NUMBER: 315-78-1224
<input checked="" type="checkbox"/> URGENT <input type="checkbox"/> FOR REVIEW <input type="checkbox"/> PLEASE COMMENT <input type="checkbox"/> PLEASE REPLY <input type="checkbox"/> PLEASE RECITE	

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September 11, 2015

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Dear Appeals Council, Branch 2:

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Marc V. Kalagian
Attorney at Law

MVK:EP

cc: Vernon R. Barnes